

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHRISTOPHER WAGNER,

Plaintiff,

No. C 13-04952 WHA

v.

DIGITAL PUBLISHING
CORPORATION, *et al.*

**THIRD ORDER RE
DIVERSITY JURISDICTION**

Defendants.

After reviewing the submissions by both sides, it is clear that diversity jurisdiction exists in this action. Plaintiff's counsel was reckless in making the claim regarding jurisdiction in the second motion for partial summary judgment without the support of "any evidence that JunctionLights and YourAdsHere have a physical presence in California . . ." (Br. at 4, Dkt. No. 70). Plaintiff should be aware that the Court will take this reckless conduct into account for *all further proceedings in this action*, including any future motion for attorney's fees.

Given plaintiff's admission that "JunctionLights and YourAdsHere are not California citizens," his further allegations of inconsistency regarding the creation of the LLCs "do not really matter for purposes of this Court's OSC regarding diversity jurisdiction" (Br. at 3-4, Dkt. No. 70). Accordingly, the topic of diversity jurisdiction is at an end, subject to an attorney's fees motion.

IT IS SO ORDERED.

Dated: July 22, 2014.


WILLIAM A. ALSUP
UNITED STATES DISTRICT JUDGE